

REMARKS

The Official Action of September 18, 2006, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain as claims 1-6, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-6 remain in the application for consideration.

With regard to the Examiner's 35 USC 112, first paragraph rejection, Applicant has amended claim 1 to eliminate the "continuously extending" term which applicant had asked the Examiner to comment on before further action in our July 31, 2006 telephone conference.

Applicant respectfully traverses the examiner's repeated rejection based on the indication that it is unclear how the broach cutting teeth that only cut on their bottom sides and non-cutting sides can form profiles 15 and 16 on the same grounds provided in Applicant's June 20, 2006 response. If the examiner wishes to further pursue this rejection Applicant requests that the Examiner explicitly respond to Applicant's June 20, 2006 rebuttal, hereby incorporated by reference, especially with regard to col. 4, lines 10-16 of Psenka cited by Applicant.

In addition Applicant encloses herewith the inventor's declaration and pictures of an item broached with the device according to the claimed invention both supporting Applicant's indication that the claimed broach produces smooth flanks and not flanks with a staggered shape as maintained by the Examiner.

Applicant further traverses the Examiner's objection to the drawings in the grounds set out above.

Applicant respectfully submits that the Examiner's 35 USC 112, first paragraph rejection and objection to the drawings has now been overcome.

The Examiner has further rejected claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Psenka '919 in view of Applicant's Admitted Prior Art (AAPA). Applicant respectfully traverses this rejection as applied to amended independent claim 1.

Applicant submits that Psenka does not teach:

- (1) Second sides of the cutting teeth each respectively extending over the entire height of the respective broach cutting tooth in the form of a single curved plane which does not touch the profile flank to which they face, and
- (2) Bottom cutting blades formed on a single curved plane of the cutting teeth which each extend

between the first and second sides so that the cutting blade cuts over a full profile width (b).

With regard to (1) above, it is clear that Psenka does not teach second sides of the cutting teeth being formed as a single curved plane extending over the whole height of each broach cutting tooth as relieved surfaces which do not touch the profile flank. On the contrary, besides the relieved partial side 74 of tooth 70, the rest of the unnumbered second sides neighboring reference numeral 76 in Fig. 5 come into contact with the profile flank.

With regard to (2) above, Psenka does not teach bottom cutting blades formed on a single curved plane extending between the first and second sides cutting over a full profile width. The Examiner refers to column 4 of Psenka, lines 52 to 55, in that respect. It is stated there that the second group of teeth, i.e. teeth E to G, "enlarge the slot to full width". This enlargement works step by step as it is described by Psenka in column 3, lines 67 ff. This enlargement of the whole profile flank works as it is shown in Fig. 4 starting from a profile having a width D. Then a broach cutting teeth having a profile D plus a profile E broaches a profile part E. While broaching, only the E-part of the bottom cuts the profile. This "E-part" does not cut over the full profile width since the "D-part" does not participate in cutting. The same position holds for the enlargement steps with teeth F and G. Psenka's broaching

Appln. No. 10/725,410  
Amdt. dated January 18, 2007  
Reply to Office Action of September 18, 2006


therefore takes a lot of time compared to that of the claimed  
broach.

The prior art documents made of record and not relied  
upon have been noted along with the implication that such  
documents are deemed by the PTO to be insufficiently pertinent to  
warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly  
solicited.

Respectfully submitted,

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